THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.785 OF 2006

Dt.6.3.2006

Between:

Tadkapalli Renuka and others … Petitioner

And

The Revenue Divisional Officer, Siddipet,

Medak District and another … Respondents

ORDER:

Petitioners question the orders of the Revenue Divisional Officer dated 31st October, 2005 in Appeal No.C/266/2005 as arbitrary and illegal and consequently declare that the assignment made to the petitioners in Proceedings No.5730/1993 dated 23.9.2003 in Sy.No.1498 of Prashanth Nagar Gram Panchayat in Siddipet Mandal, Medak District.

The case of the petitioners is that certain house site pattas are assigned in favour of the petitioners in Sy.No.1498 of Lingareddypally Village vide proceedings

No.5730/1993 dated 23.9.1993. It is further stated that when the respondents interfering with their possession and enjoyment and taking steps to dispossess them from the land to an extent of 0.05 guntas in Sy.No.1498 of Lingareddypally Village and Gram Panchayat, Siddipet Mandal, Medak District, which was assigned vide proceeding No.5730/1993 dated 23.9.1993, petitioners filed W.P.Nos. 10567, 11216, 11221 and 11222 of 2004 and this Court disposed of the same on 22.9.2004 directing the respondents to conduct enquiry into the matter with reference to the Special Laoni Land Certificates (pattas) allegedly issued by the Mandal Revenue Officer and after enquiry if it is found that the land occupied by petitioners is water body, the petitioners may be assigned land suitable for construction of houses and if the petitioners are in possession of the land, they shall not be dispossessed till completion of the enquiry. Pursuant to the same, the Revenue Divisional Officer, Siddipet, conducted enquiry and passed the impugned order in appeal No.C/266/2005 dated 31.10.2005 stating that on perusal of the records in file No.D/5730/1993 pertaining to the office of the Mandal Revenue Officer, Siddipet, it is evident that house sites were allotted to B.Cs. and others in Sy.No.1907 situate at Siddipet Revenue Village and the petitioners are not at all assigned any land in Sy.No.1907. It is further stated that the land claimed by the petitioners are totally different from the said Sy.No.1907 and no Special Laoni Land Certificates in Sy.No.1498 are issued in the said file No.D/5730/1993. Moreover, the Sy.No.1498 situate at Siddipet Village is classified as “Chakalivani Kunta” and therefore the land in Sy.No.1498 which is a Government land cannot be assigned or alienated. It is further stated that the patta certificates said to have been issued to the petitioners are not at all issued by the Mandal Revenue Officer and the petitioners have failed to prove that the certificates issued to them are genuine with regard to allotment of land in Sy.No.1498 for construction of houses and accordingly the said appeal has been dismissed. Against the said order of the Revenue Divisional Officer, revision lies to the District Collector under Section 4-B of the A.P.Assigned Land (Prohibition and Transfers) Act, 1977.

Heard the learned counsel for the petitioners as well as the learned Government Pleader on behalf of the respondents.

As there is an affective right of revision before the District Collector under Section 4-B of the said Act, without expressing any opinion on the merits of the case, the petitioners are directed to file revision within two weeks from the date of receipt of a

copy of this order and on such filing of the revision, the revisional authority is directed to dispose of the same as expeditiously as possible. Pending disposal of the revision, status quo obtaining as on today with regard to the possession of the land shall be maintained.

The writ petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J.)

6.3.2006

kpr